

Remarks

As of the 11 December 2007 final *Office Action*, Claims 1-63, 66-87, 90-92, and 94-98 are pending in the Application. In the *Office Action*, all pending claims are rejected. Applicant thanks the Examiner with appreciation for the careful consideration and examination given to the Application. By this *Response*, Applicant amends certain claims to clarify the currently claimed embodiments of the invention. No new matter is believed introduced in this submission as at least ¶¶ 141 and 144 of the *Specification* (as published) and Fig. 1 of the *Drawings* fully support the clarifying amendments.

Applicant submits this response solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, argument, or claim cancellation presented during prosecution is not to be construed as abandonment or disclaimer of subject matter.

After entry of this *Response*, Claims 1-63, 66-87, 90-92, and 94-98 are pending in the Application. Applicant respectfully asserts that the pending claims are in condition for allowance over the references of record, and respectfully requests reconsideration of the claims in light of this submission. Applicant, accordingly, believes that the Application is allowable for at least the following reasons.

I. Overview of the Rejections

Claims 1, 3, 4, 8, 13-18, 20, 22, 23, 27-30, 32-35, 37, 41, 42, 44, 45, 49, 57-60, 63, 66-68, 70, 71, 73, 74, 81-84, 87, 90-92, 90-92 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over International Application Publication No. WO 00/23956 A1 to Rieser et al. (“Rieser”) in view of U.S. Patent No. 4,993,059 to Smith et al. (“Smith”).

Claims 2, 5-7, 21, 24-26, 43, 46-48, 72, and 75 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser and Smith in view of U.S. Patent Application No. 2001/0021646 to Antonucci et al. (“Antonucci”).

Claims 9-11, 19, 50-53, 61, 76-79 and 85 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser and Smith in view of U.S. Patent Application No. 2002/0072348 to Wheeler et al. (“Wheeler”).

Claims 12, 31, 54, 62, 80, and 86 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser and Smith in view of U.S. Patent Application No. 2000/5555286 to Tendler (“Tendler”).

Claims 36, 38, 39 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser and Smith in view of U.S. Patent Application No. 2003/0069002 to Hunter et al. (“Hunter”).

Claims 40 and 69 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser and Smith in view of U.S. Patent Application No. 2003/0133473 to Manis et al. (“Manis”).

Claims 55 and 56 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser and Smith in view of U.S. Patent Application No. 2002/0098858 to Struhsaker (“Struhsaker”).

The USPTO’s *Examination Guidelines For Determining Obviousness* (“*Obviousness Guidelines*”) implement the Supreme Court’s recently reaffirmed “functional approach” to obviousness determinations. These dictate that “[w]hen considering obviousness of a combination of known elements, the operative question is thus ‘whether the improvement is more than the **predictable use** of prior art elements according to their **established functions**.’” (Examination Guidelines For Determining Obviousness, 72 Fed. Reg. 57527 (Oct. 10, 2007), citing *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740 (2007).)

The *Obviousness Guidelines* further state that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the **clear articulation** of the reason(s) **why** the claimed invention would have been obvious.” (*Id.* at 57528).

The *Obviousness Guidelines* clearly reflect the Federal Circuit’s requirement that “[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning** with some rational underpinning to support the legal conclusion of obviousness.” *In Re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

Claims 1-63, 66-87, 90-92, and 94-98 as amended are patentable because the cited combinations do not teach or suggest **all the claim features**. Further, the features recited in the pending claims are not a predictable use of elements disclosed in the cited references according to their established uses, especially since the references do not teach each and every claimed feature.

II. The Pending Claims Are Patentable Over The Cited References

a. Claims 1-13 Are Patentable Over the Cited References

Claim 1 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 1, as amended, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 1 recites a plurality network transceivers configured to communicate an emergency message with other network transceivers over a predetermined path *selected from a plurality of possible paths*. On page 4, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added).

If **only one** communication path can be established, then it is impossible for the predetermined path to be selected from a *plurality of possible paths*, as there are no other possible paths. Indeed, Smith does not disclose that there are any other possible paths or a plurality additional transceivers between the cellular transceiver and the alarm monitoring station. Further, Smith teaches that the connection between the transceiver and station is a “hot-line,” indicating that a single path is devoted to the connection, and that no other paths are possible. (Smith, Col. 5, Lns. 60-65). Consequently, Smith’s transceiver is configured to communicate with only one other transceiver along the only path to the base station. Smith’s transceiver is not configured to communicate with multiple other transceivers along a predetermined path selected from a plurality of possible paths, as recited in Claim 1. Therefore, Rieser and Smith fail to disclose all of the features recited in Claim 1.

Claims 2, 5-7, 9-12 are rejected as allegedly being unpatentable over Rieser and Smith in view of Wheeler, Tendler, and Antonucci. Wheeler, Tendler, and Antonucci, however, fail to cure Rieser and Smith’s with respect to Claim 1 because none of the reference teach or disclose a plurality of transceivers configured to communicate with multiple other transceivers along a predetermined path selected from a plurality of possible paths as recited in Claim 1.

For at least these reasons, Rieser, Smith, Wheeler, Tendler, and Antonucci, alone or in combination, fail to disclose all the features of Claim 1. Thus, Applicant respectfully submits that Claim 1 is patentable over Rieser, Smith, Wheeler, Tendler, and Antonucci, and is condition for allowance. Further, Claims 2-13 are also believed to be in condition for allowance at least due to their dependence upon Claim 1, and for additional features defined therein.

b. Claims 14-27 Are Patentable Over the Cited References

Claim 14 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. The Office Action, however, mischaracterizes Claim 14's features and improperly rejects the claim.

Claim 14 recites a memory having data including *path information* indicating a predetermined transmission path over a network. The *Office Action* fails to indicate that Rieser or Smith teach or disclose memory having data including path information. Indeed, this limitation is not addressed in the *Office Action*. Instead, on page 5, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate over a predetermined path. On page 6, the *Office Action* states that such a transceiver is taught by Smith. Claim 14, however, does not recite such a transceiver.

Indeed, Smith and Rieser fail to disclose a memory having data including path information as recited in Claim 14. Since Rieser does not disclose a predetermined path, it does not disclose storing the claimed path information. Similarly, since only a one path is possible between Smith's transceiver and station, storing path information would serve no purpose. Therefore, Rieser and Smith fail to disclose all of the features recited in Claim 14.

Claims 19, 21, and 24-26 are rejected as allegedly being unpatentable over Rieser and Smith in view of Wheeler and Antonucci. Wheeler and Antonucci, however, fail to cure Rieser and Smith's with respect to Claim 14 because neither reference teaches nor discloses a memory having data including path information indicating a predetermined transmission path over a network, as recited in Claim 14.

For at least these reasons, Rieser, Smith, Wheeler, and Antonucci, alone or in combination, fail to disclose all the features of Claim 14. Thus, Applicant respectfully submits that Claim 14 is patentable over Rieser, Smith, Wheeler, and Antonucci, and is condition for

allowance. Further, Claims 15-27 are believed to be in condition for allowance at least due to their dependence upon Claim 14, and for additional features defined therein.

c. Claims 28-32 Are Patentable Over the Cited References

Claim 28 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 28, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 28 recites a first transceiver configured to detect a first emergency message from a second transceiver and configured to transmit a second emergency message to a third transceiver designated by a predetermined network path, and a cellular transceiver co-located with the second transceiver. On page 7, the *Office Action* indicates that Rieser's personal security transmitter corresponds to the second transceiver and the base station corresponds to the first transceiver of Claim 1. On page 8, the *Office Action* states that Smith's MTSO corresponds to the third transceiver of Claim 1. The *Office Action* fails to show where either reference teaches a cellular transceiver collocated with the second transceiver. Indeed, neither reference discloses a cellular transceiver collocated with the second transceiver.

Since the *Office Action* interprets Rieser's personal transmitter as the second transceiver, an additional cellular transceiver would have to be collocated with the personal transmitter to meet the limitation of Claim 28. Rieser, however, teaches away from collocating two transceivers on the personal transmitter because one of the principle objectives of Rieser's system is to provide a small key chain sized personal transmitter. (Rieser, Pg. 33, Lns. 5-20). Adding an second transceiver to Rieser's personal transmitter would require an additional power source and circuitry, increasing the size of Rieser's device, thereby running counter to Rieser's intended operating principle.

The USPTO's *Obviousness Guidelines* (discussed above) clearly indicate that an Examiner must provide a reason for why a modification would have been obvious. In this instance, the Examiner has failed to provide a reason for interjecting Smith's MTSO into Rieser's system as a third transceiver. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness against Claim 28.

Claim 31 is rejected as allegedly being unpatentable over Rieser and Smith in view of Tendler. Tendler, however, fails to cure Rieser and Smith's with respect to Claim 28 because it

does not teach or disclose a first transceiver configured to detect a first emergency message from a second transceiver and configured to transmit a second emergency message to a third transceiver designated by a predetermined network path, and a cellular transceiver co-located with the second transceiver, as recited in Claim 28.

For at least these reasons, Rieser, Smith, and Tendler, alone or in combination, fail to disclose all the features of Claim 28. Thus, Applicant respectfully submits that Claim 28 is patentable over Rieser, Smith, and Tendler, and is condition for allowance. Further, Claims 29-32 are also believed to be in condition for allowance at least due to their dependence upon Claim 28, and for additional features defined therein.

d. Claims 33-40 Are Patentable Over the Cited References

Claim 33 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 33, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 33 recites a transceiver configured to receive an emergency message broadcasted through an emergency message transceiver network according to a predetermined signal transmission path selected from a plurality of possible transmission paths, and a cellular transceiver co-located with the transceiver configured to communicate with a cellular communication network.

On page 10, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). As discussed above (see Claim 1 arguments), Smith fails to teach a transceiver configured to receive a message broadcast along a predetermined signal transmission path selected from a plurality of possible transmission paths.

The *Office Action* indicates that Rieser’s personal transmitter corresponds to the transceiver of Claim 33. The *Office Action*, however, fails to identify where either Rieser or Smith disclose an additional transceiver co-located with said transceiver. As discussed above, collocating two transceiver’s on Rieser’s personal transmitter would be run counter to the teachings and objectives of Rieser’s system.

Claims 36 and 38-40 are rejected as allegedly being unpatentable over Rieser and Smith in view of Hunter and Manis. Hunter and Manis, however, fail to cure Rieser and Smith's with respect to Claim 33 because neither reference teaches nor discloses a transceiver configured to receive a message according to a predetermined signal transmission path selected from a plurality of possible transmission paths, and a cellular transceiver co-located with said transceiver, as recited in Claim 33.

For at least these reasons, Rieser, Smith, Hunter, and Manis, alone or in combination, fail to disclose all the features of Claim 33. Thus, Applicant respectfully submits that Claim 33 is patentable over Rieser, Smith, Hunter, and Manis, and is condition for allowance. Further, Claims 34-40 are also believed to be in condition for allowance at least due to their dependence upon Claim 33, and for additional features defined therein.

*e. **Claims 41-56 Are Patentable Over the Cited References***

Claim 41 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 41, however, is believed patentable because it recites features not disclosed or taught by the cited references. Claim 41 recites redefining a predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information for the redefined path to transceivers along the predetermined path.

On page 12, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. Therefore, Rieser does not teach or disclose redefining a predetermined communication path as recited in Claim 41. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). Therefore, Smith cannot teach or disclose redefining the communication path as there are no other possible communication paths because Smith teaches only one possible communication path between the transceiver and station.

Claims 43, 46-48, 50-53, 54-56 are rejected as allegedly being unpatentable over Rieser and Smith in view of Wheeler, Tendler, Antonucci, and Struhsaker. Wheeler, Tendler, Antonucci, and Struhsaker, however, fail to cure Rieser and Smith's with respect to Claim 41 because the references do not teach or disclose redefining the predetermined path when failure of

a transceiver along the predetermined path is detected and transmitting path information redefined path to transceivers along the predetermined path, as recited in Claim 41.

For at least these reasons, Rieser, Smith, Wheeler, Tendler, Struhsaker, and Antonucci, alone or in combination, fail to disclose all the features of Claim 41. Thus, Applicant respectfully submits that Claim 41 is patentable over Rieser, Smith, Wheeler, Tendler, Struhsaker, and Antonucci, and is condition for allowance. Further, Claims 42-56 are also believed to be in condition for allowance at least due to their dependence upon Claim 41, and for additional features defined therein.

f. Claims 57-66 Are Patentable Over The Cited References

Claim 57 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 57, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claims 57 recites predetermining a path for an emergency message by broadcasting path information to components of a transceiver network, such that each component stores the path information in its memory and configures itself to react to a signal for which the component is part of the predetermined path. Claim 57 further recites communicating an emergency message and relevant information along a predetermined path selected from a plurality of possible paths over a network of transceivers such that assistance is summoned in response to the received emergency message.

On page 14, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). Consequently, Smith fails to disclose predetermining a path or transmitting a message along a predetermined path selected from a plurality of predetermined paths, as recited in Claim 57. Therefore, Rieser and Smith fail to teach or disclose each feature recited in Claim 57.

Claims 61 and 62 are rejected as allegedly being unpatentable over Rieser and Smith in view of Wheeler and Tendler. Wheeler and Tendler, however, fail to cure Rieser and Smith's with respect to Claim 57 because neither reference teaches or discloses communicating an

emergency message and relevant information along a predetermined path selected from a plurality of possible paths over a network of transceivers, as recited in Claim 57.

For at least these reasons, Rieser, Smith, Wheeler, and Tendler, alone or in combination, fail to disclose all the features of Claim 57. Thus, Applicant respectfully submits that Claim 57 is patentable over Rieser, Smith, Wheeler, and Tendler, and is condition for allowance. Further, Claims 58-66 are also believed to be in condition for allowance at least due to their dependence upon Claim 66, and for additional features defined therein.

g. Claims 67-69 Are Patentable Over The Cited References

Claim 67 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 41, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 67 recites redefining a predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information for the redefined path to transceivers along the predetermined path.

On page 16, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. Therefore, Rieser does not teach or disclose redefining a predetermined communication path as recited in Claim 67. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). Therefore, Smith cannot teach nor disclose redefining the communication path because there are no other possible communication paths as Smith teaches only one possible communication path between the transceiver and station.

Claim 69 is rejected as allegedly being unpatentable over Rieser and Smith in view of Manis. Manis, however, fails to cure Rieser and Smith’s with respect to Claim 67 because the references do not teach or disclose redefining the predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information redefined path to transceivers along the predetermined path, as recited in Claim 67.

For at least these reasons, Rieser, Smith, and Manis, alone or in combination, fail to disclose all the features of Claim 67. Thus, Applicant respectfully submits that Claim 67 is patentable over Rieser, Smith, and Manis, and is condition for allowance. Further, Claims 68-69

are also believed to be in condition for allowance at least due to their dependence upon Claim 67, and for additional features defined therein.

h. Claims 70-80 Are Patentable Over The Cited References

Claim 70 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 70, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 70 recites a means for redefining the predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information for the redefined path to transceivers along the predetermined path.

On page 12, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. Therefore, Rieser does not teach or disclose redefining a predetermined communication path as recited in Claim 70. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). Therefore, Smith cannot teach or disclose redefining the communication path because there are no other possible communication paths as Smith teaches only one possible communication path between the transceiver and station.

Claims 72, 75, and 76-79 are rejected as allegedly being unpatentable over Rieser and Smith in view of Wheeler and Antonucci. Wheeler and Antonucci, however, fails to cure Rieser and Smith’s with respect to Claim 70 because the references do not teach or disclose redefining the predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information redefined path to transceivers along the predetermined path, as recited in Claim 70.

For at least these reasons, Rieser, Smith, and Manis, alone or in combination, fail to disclose all the features of Claim 70. Thus, Applicant respectfully submits that Claim 70 is patentable over Rieser, Smith, and Manis, and is condition for allowance. Further, Claims 71-80 are also believed to be in condition for allowance at least due to their dependence upon Claim 70, and for additional features defined therein.

i. Claims 81-87 And 90 Are Patentable Over The Cited References

Claim 81 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 81, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 81 recites a means for redefining a predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information for the redefined path to transceivers along the predetermined path. Claim 81 further recites a means for communicating an emergency message and relevant information along a predetermined path selected from a plurality of possible paths over a transceiver network.

On page 14, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. Therefore, Rieser does not teach or disclose transmitting a signal along a predetermined path selected from a plurality of possible paths or redefining a predetermined communication path as recited in Claim 81. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). Therefore, Smith cannot teach or disclose redefining the communication path because there are no other possible communication paths as Smith teaches only one possible communication path between the transceiver and station. Further, Smith does not disclose transmitting along a predetermined path selected from a plurality of possible paths for the reasons discussed above with regard to Claim 1.

Claims 85 and 86 are rejected as allegedly being unpatentable over Rieser and Smith in view of Wheeler and Tendler. Wheeler and Tendler, however, fails to cure Rieser and Smith’s with respect to Claim 81 because neither recites a means for redefining a predetermined communication path or means for transmitting along a predetermined path selected from a plurality of possible paths, as recited in Claim 81.

For at least these reasons, Rieser, Smith, Wheeler, and Tendler, alone or in combination, fail to disclose all the features of Claim 81. Thus, Applicant respectfully submits that Claim 81 is patentable over Rieser, Smith, Wheeler, and Tendler, and is condition for allowance. Further, Claims 82-87 and 90 are also believed to be in condition for allowance at least due to their dependence upon Claim 81, and for additional features defined therein.

j. Claims 91-92 Are Patentable Over The Cited References

Claim 91 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 91, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 91 recites a means for redefining a predetermined path when failure of a transceiver along the predetermined path is detected and transmitting path information for the redefined path to transceivers along the predetermined path. Claim 91 further recites means for communicating an emergency message and relevant information along a predetermined path selected from a plurality of possible paths over a transceiver network.

On page 14, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. Therefore, Rieser does not teach or disclose transmitting a signal along a predetermined path selected from a plurality of possible paths or redefining a predetermined communication path as recited in Claim 81. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). Therefore, Smith cannot teach or disclose redefining the communication path because there are no other possible communication paths as Smith teaches only one possible communication path between the transceiver and station. Further, Smith does not disclose transmitting along a predetermined path selected from a plurality of possible paths for the reasons discussed above with regard to Claim 1.

For at least these reasons, Rieser and Smith, alone or in combination, fail to disclose all the features of Claim 91. Thus, Applicant respectfully submits that Claim 91 is patentable over Rieser and Smith and is condition for allowance. Further, Claim 92 is also believed to be in condition for allowance at least due to its dependence upon Claim 91, and for additional features defined therein.

k. Claims 94-98 Are Patentable Over The Cited References

Claim 94 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rieser in view of Smith. Claim 94, however, is believed patentable because it recites features not disclosed or taught by the cited references.

Claim 94 recites an emergency message transceiver for communicating emergency messages to at least one of a plurality of transceivers designated as a next transceiver according to a predetermined path selected from a plurality of possible paths. Claim 94 further recites a cellular transceiver collocated with an emergency transceiver configured to communicate over a cellular communication network.

On page 17, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along a predetermined path. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). As discussed above regarding Claim 1, Smith fails to disclose transmitting a message along a predetermined path selected from a plurality of predetermined paths. Therefore, Rieser and Smith fail to teach or disclose each feature recited in Claim 94.

The *Office Action* further states that Rieser’s personal transmitter corresponds to the emergency message transmitter of Claim 94, but Rieser does not disclose the recited cellular transmitter. The *Office Action*, however, argues that it would have been obvious to modify Rieser’s system to include the Smith’s cellular transceiver. But Claim 94, as amended, recites that the emergency transmitter and cellular transmitter are collocated. For the reasons discussed above regarding Claim 28, it would not have been obvious to modify Rieser to include an additional transceiver collocated with the personal transmitter. Indeed, such a modification would be against the Rieser’s objectives and teachings. Therefore, Rieser and Smith fail to teach or disclose each feature recited in Claim 57.

On page 14, the *Office Action* states that Rieser fails to disclose a transceiver configured to communicate with a network along predetermined path. The *Office Action* further states that Smith teaches a transceiver “where **only one** communication path can be established between the cellular transceiver and the ultimate destination.” (emphasis added). As discussed above regarding Claim 1, Smith fails to disclose transmitting a message along a predetermined path selected from a plurality of predetermined paths. Therefore, Rieser and Smith fail to teach or disclose each feature recited in Claim 94.

For at least these reasons, Rieser and Smith, alone or in combination, fail to disclose all the features of Claim 94. Thus, Applicant respectfully submits that Claim 94 is patentable over Rieser and Smith, and is condition for allowance. Further, Claims 95-98 are also believed to be

in condition for allowance at least due to their dependence upon Claim 94, and for additional features defined therein.

II. Fees & Express Request for Continued Examination Under 37 CFR § 1.114

Applicant files this *Response* within three months of the 9 August 2007 final *Office Action* with no additional claims. Thus, Applicants believe that no extension or claims fees are due. Applicant expressly requests continued examination pursuant to 37 C.F.R. § 1.114. Applicant submit this *Response* as the required RCE submission and pays the appropriate RCE fee via EFS-Web. No additional fees are believed due. The Commissioner is authorized, however, to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507 for full acceptance of this submission, and to keep the Application pending.

III. Conclusion

This Response is believe to be a complete Response pursuant to 37 CFR §1.121. Applicant respectfully submits that after entry of this *Response* the Application is fully in condition for allowance. The Examiner is invited to contact the undersigned should any other issues remain prior to the allowance of this Application. Early and favorable action is respectfully requested.

Respectfully submitted,

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